IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 10911 of 2007(Y)

PETITIONER:

RAVIKUAMR, S/O.GOPALAN, AGED 47 YEARS,
PRESIDENT, CHANDANABHAGAVATHY RESIDENTS
ASSOCIATION, ATHANIPARAMBU, KALLEKULANGARA,
PUDUPPARIYARAM VILLAGE, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY
SRI.N.A.ABHILASH

RESPONDENTS:
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1. THE STATE OF KERALA REP. BY HOME
SECRETARY, SECRETARIAT, TRIVANDRUM.

2. THE DISTRICT SUPERINTENDENT OF POLICE,
PALAKKAD.

3. THE SUB INSPECTOR OF POLICE,
HEMAMBIKA NAGAR POLICE STATION, PALAKKAD DT.

4. V.C.ARJUNAN, S/O.CHELLAYYAN,
AGED 54 YEARS, SECRETARY, KERALA STATE KARSHAKA
THOZHILALI UNION (KSKTU), PUDUPPARIYARAM VILLAGE,
PALAKKAD.

ADDL. RESPONDENTS:

5. THE DISTRICT COLLECTOR, PALAKKAD.

6. THE SPECIAL GRADE SECRETARY, PUDUPARIYARAM GRAMA
PANCHAYAT, PUDUPARIYARAM, PALAKKAD.

(ADDL. R5 & R6 ARE IMPLEADED VIDE ORDER DT. 30.3.07 ON IA 4989/07)

BY ADV. SRI.V.CHITAMBARESH-R6
SRI.T.C.SURESH MENON
SRI.ASOK M.CHERIAN-R4
GOVT. PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO.10911 OF 2007-Y

Dated 5th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is the President of a Residents Association. He has approached this Court for protection to the laying of a road through a paddy field, on the strength of the permission granted by the R.D.O., Palakkad by Ext.P1 order, under the Kerala Land Utilization Order, 1967. The road leads to a group of plots of land, the lay out of which has the approval of the Chief Town Planner. When objection was raised to the formation of the road by the 4th respondent and his supporters, this writ petition was filed and there was an interim order to maintain law and order. The petitioner submits, the members of his Association have already laid the road and therefore, the writ petition has become infructuous. The 4th respondent, on the other hand, would submit that the Chief Town Planner's order approving the lay out of the plots under the Town Planning Act has since been cancelled by the Government. Therefore, all actions taken by the

petitioner on the strength of the Chief Town Planner's order are illegal.

Having regard to the above facts, the writ petition is dismissed as infructuous, without prejudice to the contentions of both sides.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/